

PLAN COMMISSION MINUTES -8/12/09

Plan Commission Offices
Manitowoc City Hall

Regular Meeting
Manitowoc City Plan Commission
Wednesday
August 12, 2009
6:30 P.M.

I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:30 P.M.

II. ROLL CALL

Members Present

Steve Alpert
Jim Brey
Valerie Mellon
Maureen Stokes
Jim Muenzenmeyer
Dan Hornung
Justin Nickels

Members Excused

David Diedrich

Staff Present

David Less
Paul Braun
Michelle Yanda
Elizabeth Werdermann

Others Present

See Attached Sign In Sheet

III. APPROVAL OF MINUTES of the Regular July 15, 2009 Meeting.

Ms. Mellon identified the following correction:

1. P. 12, third line under 4., the word “agree” shall be replaced with the word “agreed”.

Motion by: Ms. Stokes _____ Seconded by: Mr. Muenzenmeyer

Moved that: the minutes be approved as amended. _____ Upon Vote: the motion was approved unanimously.

IV. PUBLIC INFORMATIONAL HEARINGS

A. PC40-2009: Kopidlansky/Hoffman; Request to Rezone Property at 2410 N. Rapids Road From "C-1" Commercial District to "I-1" Light Industrial District

Mr. Less explained that this was a request from Jeff Kopidlansky d/b/a JBA Precision, LLC as the contract purchaser of property located on the west side of N. Rapids Road, and Anthony and Paul Hoffman, as the record owners of the same property, and that they were requesting that the property be rezoned from "C-1" Commercial District to "I-1" Light Industrial District to relocate his fabricating and machine shop from Franklin Street to the property on N. Rapids Road.

Mr. Less noted that the area proposed for rezoning was identified as 2410 N. Rapids Road, and was legally described as Tract 4 of a CSM recorded in Volume 11, Page 45. Mr. Less continued that the subject was a parcel located on the west side of N. Rapids Road, north of Plank Road; was generally rectangular in shape and measured 152' along N. Rapids Road (exclusive of R/W) and with an average lot depth of 253'; and the south line of which was located approximately 344' north of the north R/W line of Plank Road. Mr. Less advised that the subject parcel was included in the Northwest No. 8 annexation into the City in October, 1990, at which time it was given a "C-1" zoning designation.

Mr. Less explained that the subject parcel was acquired by the record title owner, Anthony and Paul Hoffman, back in August, 1988, and added that it was currently assessed at \$90,800, with a land value of \$62,000 and an improvement value of \$28,800 according to City Assessor records, and generated approximately \$1,800 in annual real estate taxes. Mr. Less continued that the owner and contract purchaser had executed an "Offer to Purchase" dated July 14, 2009, which specified a closing date on or before September 30, 2009, and included a financing contingency, a document review contingency, and a zoning contingency.

Mr. Less continued that the subject parcel, which measured approximately .89-acres, exclusive of public R/W, also contained a 32' x 64' (2,080sf) vacant, metal building constructed sometime around 1987. Mr. Less noted that the building featured a small office area, open production area, and had 2 garage doors at its south end. Mr. Less explained that the intent of the rezoning was to allow the contract purchaser to relocate his business operation from its current location at 1906 Franklin Street to the N.

Rapids Road site. Mr. Less stated that the Franklin Street property was a multi-tenant building located on the north side of Franklin Street, west of So. 19th Street, and was zoned "I-2" Heavy Industrial District. Mr. Less added that the JBA Precision business occupied approximately 1,000sf in that building under a lease arrangement.

Mr. Less explained that JBA Precision was a private company established in 2001, which operated as a fabricating and machine shop. Mr. Less continued that one of their main products was a grouping of washers that were used in the Harley Davidson aftermarket. Mr. Less noted that the company owner, Jeff Kopidlansky appeared to be one of 2 employees at the business.

Mr. Less explained the surrounding land uses and zoning in the area, and then identified some of the permitted and conditionally permitted uses in the current "C-1" and the proposed "I-1" zoning districts.

Mr. Less then advised that his department did mail out notices of tonight's informational hearing to property owners within 200' on August 5th, and that he did receive a phone call from Ron Leschke, owner of property at 2509 N. Rapids Road, who had no problem with the proposed rezoning.

In closing, Mr. Less noted that this request was close, but not precisely consistent with the City's 1999 Comprehensive Plan that identified this area as commercial, and the comprehensive plan being prepared which identified the area as "General Business". Mr. Less advised that the "General Business" category was defined as an area for commercial and retail uses at a neighborhood scale. Mr. Less concluded by noting that the merit of this rezoning was that it would be an opportunity to upgrade and encourage the re-use of a vacant, underutilized property; a theme throughout the old and new comprehensive plans.

Don Schanke, 4816 Plank Road, commented that he lived adjacent to the subject property, and questioned what would happen if the contract purchaser would change in the future, and the property could be used for other light industrial purposes? Mr. Schanke stated that for this reason, he was against the proposed rezoning.

Bob Fidler, 2402 N. Rapids Road, commented that he was also against the proposed rezoning, and was concerned with the site becoming too noisy. Mr. Fidler added that he did not know what Mr. Kopidlansky's operation was like, but was

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concerned that he would expand the building or the number of machines in the future. Mr. Fidler stated that there was enough noise in the area already with the road and the motorcycles.

Ron Hasche, 2415 N. Rapids Road, stated that his mother lived across the street from the subject property, and expressed concern with future noise emanating from the property. Mr. Hasche continued that while machine shops were quiet operators, he felt that in the future, someone could install a drop forge into the building.

Harley Engel, 4808 Plank Road, stated that he had no problem with a machine shop, but expressed concern with what other uses could be at the property if the contract purchaser would sell out. Mr. Engel questioned who the user might be 10 years into the future.

Mr. Muenzenmeyer offered a comment, noting that if the zoning was not approved, one of the non-rezoning options would be to make machine shops a conditionally permitted use in a "C-1" zoning district. Mr. Muenzenmeyer added that this would be an effective means of eliminating the concerns of less desirable land uses permitted under "I-1".

Mr. Less explained that this conditional use concept would require an ordinance change to Chapter 15, which he hoped to have for the Commission to review at the September meeting. Mr. Less added that there were multiple types of machine shops that could make a conditional use approach not quite as clean as it sounded, and noted that this process could take several months, which would be problematic for the terms of the current Offer to Purchase. Mr. Less continued that another alternative was to have Mr. Kopidlansky work with the concerned property owners and legal counsel to craft a deed restriction, that would limit the breadth of permitted uses in the "I-1" zoning district. Mr. Less continued that the City would not be party to such a restriction, and that if this was the direction selected by the parties, they should advise the City Council of their progress at the required Council public hearing.

Mr. Brey asked Mr. Kopidlansky to provide some background information regarding his business, and his long term plans.

Jeff Kopidlansky, 4320 Michigan, identified himself as the owner of JBA Precision, LLC, and stated that his business operated generally between 5:00 A.M. and 5-6:00 P.M. daily. Mr. Kopidlansky continued that his employees included a part time helper and himself, and that his primary business was fabricating small medical and

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food service parts, as well as precision parts such as custom washers, screws, nuts and shoulder bolts, and other precision components on small CNC machines. Mr. Kopidlansky stated that his plan was to continue his business operation at the N. Rapids Road site, and to add another small machine and possibly an additional employee in the future. Mr. Kopidlansky added that he didn't plan on getting larger equipment in the future as his business was making small parts.

Mr. Fidler asked Mr. Kopidlansky why he was trying to move from Franklin Street?

Mr. Kopidlansky replied that his current production space was too small (20' x 20'), adding that he currently had 8 machines in that work area.

Mr. Engel asked how big these machines were?

Mr. Kopidlansky explained the size of these machines, and noted that they were computerized and programmable CNC lathe machines.

Mr. Schanke asked why he hadn't considered locating into the County Industrial Park?

Mr. Kopidlansky stated that the land cost was prohibitive at between \$150-200k, and the N. Rapids Road property, including a building, was an opportunity for him to do the project in an affordable manner. Mr. Kopidlansky continued that his cost on N. Rapids would be similar to what he was paying on his lease at present.

Mr. Schanke asked Mr. Kopidlansky how long he had been in business?

Mr. Kopidlansky stated he had been in business at his current location for 8 years, and was operating out of his garage for a couple of years prior to that.

Mr. Brey asked if the Franklin Street location was being leased?

Mr. Kopidlansky replied "yes".

Ms. Mellon stated that she was unclear on the alternatives available, and questioned if keeping the property zoned "C-1" to allow for machine shops had any negatives for Mr. Kopidlansky?

Mr. Muenzenmeyer explained that one could speculate that the land might not be as valuable to a future owner as a "C-1" vs. "I-1" zoned parcel, but felt that this added protection was what the neighbors appeared to want. Mr. Muenzenmeyer continued that Mr. Kopidlansky would not be limited under this scenario unless he changed his business plan from his current operation.

Mr. Kopidlansky asked if this was possible?

Mr. Muenzenmeyer replied "yes, and added that implementing his CUP idea would take time, but added that he felt a small machine shop fit well into the CUP concept.

Mr. Less stated that the CUP option was certainly worth considering, but it would not work within the time frame for closing in the current Offer to Purchase. Mr. Less continued that one problem would be to determine how to define a small machine shop vs. a larger machine shop, and advised that proceeding with the rezoning along with a private deed restriction would be more time sensitive, and could better accommodate the closing deadline contained in the Offer to Purchase. Mr. Less noted that he felt the deed restriction was a lot cleaner than the conditional use permit approach.

Mr. Hornung asked for clarification on the types of uses that were permitted in a "C-1" district?

Mr. Less explained the difference between the types of businesses that would be permitted in the City's "I-1" light industrial zoning district, and the "I-2" heavy industrial zoning district.

_____ Mr. Muenzenmeyer stated that because contractor shops were permitted in a "C-1" zone, he felt that machine shops as a conditional use would make some sense.

_____ Mr. Less recommended that the Commission recommend that the Council instruct the City Clerk to call for a public hearing on September 7th, and that after the public hearing, the matter be referred back to the Commission for further consideration and a final recommendation. Mr. Less again stated that if the petitioner wanted to pursue a deed restriction, it was a private matter and a private restriction.

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_____ Carol Kasten, 9806 Wehausen Road, Manitowoc, stated that her mother lived across the road from the subject parcel, and asked if it was possible for a machine shop to locate in a "C-1" district?

Mr. Less replied it was not a permitted use in a "C-1" district.

Ms. Kasten asked what was the difference between a machine shop, and other uses currently permitted in "C-1" such as farm equipment sales, and asked what distinguished the difference?

Mr. Less replied that machine shops were traditionally industrial uses, located in industrial districts. Mr. Less added that uses in "C-1" tended more towards contractor shops and retail-type operations. Mr. Less stated that he felt that machine shops were more closely aligned with industrial districts than with the non-industrial uses permitted in a "C-1" district.

Mr. Muenzenmeyer added that the City's "I" zones were for manufacturing businesses.

Tony Hoffman, 4516 Woodfield Court, stated that he was not asking for the moon from the City, as this was just a change from "C-1" to "I-1".

_____ Mr. Less added that the proposed rezoning was from the City's only "C" zone to the lightest of the City's 2 industrial zones. Mr. Less added that he and other staff would be willing to meet with Mr. Kopidlansky or the neighbors at their request.

Motion by: Mr. Brey _____ Seconded by: Ms. Stokes
Moved that: the Commission recommend ___ Upon Vote: the motion was
Council acceptance of the Planner's recom- approved unanimously.
mendation above.

For the benefit of the audience, Mr. Less again stated that this matter had now been advanced to the Council, with instructions to have the Clerk call for a public hearing. Mr. Less added that it was the prerogative of the area property owners to get together and talk with the contract purchaser, and if City representation at a meeting was requested, that either Mr. Muenzenmeyer or himself should be contacted. Mr. Less added that if the property owners and petitioner decided to pursue a deed restriction, that it was up to them to determine the contents of such a restriction, and it would be their responsibility to secure legal counsel to assist in drafting the document.

V. REFERRALS FROM COMMON COUNCIL

A. PC38-2009/PC13-2003/SP11-2009: Custer Ridge Holdings LLC/Custer Village LLC; Proposed Modification of Easements at Expo Drive and I-43

Mr. Less reviewed a request from SMI, Inc. on behalf of Custer Ridge Holdings LLC to release and vacate certain easements, and to create new easements for property on the west side of Expo Drive, east of I-43, and north of Lot 13, Block 1 of Doneff's Custer Village Subdivision. Mr. Less advised that these easement revisions would allow the property owner to construct at least one 16-unit apartment complex on the subject property.

Mr. Less recommended that the Commission recommend to the Council approval of the release and vacation of the easements, and establishment of the new easements as described, and subject to the following conditions:

1. Documentation to be provided to the City Planner that the property owner has secured written consents from all applicable utilities approving the release, and has further executed any required agreements with these same utilities regarding such issues as the relocation of the terminated easement as well as any other conditions;
2. Once documentation is provided under 1. above, the City Planner shall instruct the City Attorney to draft and have executed a release of the existing easements, and to further draft and have executed a new replacement easement, and to finalize the terms and conditions of the release and new easement with the current property owner;
3. The Mayor and City Clerk shall be authorized to sign any documents related to the release of the easements, as well as the establishment of a replacement easement, should this be required, with the documents to be recorded by the City Clerk at the property owner's expense; and
4. The property owner shall instruct a certified engineer to prepare a correction instrument pursuant to §236.295 Wis. Stats. for the release of the existing easements, and the establishment of any

required replacement easements, with the Council to approve the correction instrument prior to the instrument being recorded at the property owner's expense.

Motion by: Mr. Hornung _____ Seconded by: Mr. Alpert
Moved that: the Commission recommend _____ Upon Vote: the motion was Council acceptance of the Planner's recommendation above. approved unanimously.

B. PC39-2009: WRP Properties, LLC; Access Easement Over Unopened So. 21st Street for Parcel at NW Corner of Flambeau and So. 21st Street

Mr. Less explained a request for an easement over unopened So. 21st Street (at Flambeau Street), to provide access to a planned duplex to be constructed at the northwest corner of Flambeau and So. 21st Street.

Mr. Less recommended that the Commission recommend to the Council approval of the request for the access easement, and further, that the Council take the following additional actions: (i) authorize the City Attorney to negotiate and prepare the easement document with the current property owner; (ii) that the document reference that this right of ingress/egress has been authorized pursuant to §66.0425 Wis. Stats. and incorporates all rights, remedies and entitlements under this statute; (iii) that if the document is approved by Council, that the Mayor and Clerk be authorized to sign the document on behalf of the City; and (iv) upon its full execution, that the City Clerk record the document at the Register of Deeds office at the expense of the current property owner.

Motion by: Mr. Muenzenmeyer _____ Seconded by: Ms. Mellon
Moved that: the Commission recommend _____ Upon Vote: the motion was Council acceptance of the Planner's recommendation above. approved unanimously.

C. PC37-2009: Harmony of Manitowoc, LLC/Culver's; Proposed Animated Sign at 4201 Calumet Pursuant to Section 15.45(18) of Manitowoc Municipal Code

Mr. Less explained a request for a special permit to authorize the construction of a fixed animated sign on to the existing ground sign at Culver's Restaurant, 4201

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Calumet. Mr. Less reviewed his data sheet on the proposal, and recommended that the Commission authorize issuance of a special permit for the proposed sign, with the location of the sign as specified in the application, and that the Director of Building Inspection be authorized to issue the animated sign permit, subject to the above referenced conditions, as well as compliance with all relevant sections of Section 15.45.

Ms. Mellon stated that she had no problem with the proposed animated sign location.

Motion by: Mr. Hornung _____ Seconded by: Mr. Alpert
Moved that: the Commission recommend _____ Upon Vote: the motion was Council acceptance of the Planner’s recom- approved unanimously.
mendation above.

D. PC22-2009: Merwynn Trade Group, LLC; Temporary Access Easement Over Unopened Street - So. 39th Street, South of Dewey Street

Mr. Less reviewed a “Temporary Access Easement Agreement Over Unopened Street” for a portion of So. 39th Street located south of Dewey Street, noting that this R/W privilege would facilitate the ingress/egress to a parcel being developed for a Sherwin-Williams store (Tract 4), the west line of which was approximately 170' to the east of the east R/W line of So. 39th Street. Mr. Less added that a CSM had been reviewed and approved by the Commission a few months ago.

Mr. Less recommended that the Commission recommend to Council that the City enter into the Agreement, and further that the document be first modified to reference that this right of ingress/egress was authorized pursuant to §66.0425 Wis. Stats. and incorporated all rights, remedies and entitlements under this statute.

Motion by: Mr. Muenzenmeyer _____ Seconded by: Ms. Mellon
Moved that: the Commission recommend _____ Upon Vote: the motion was Council acceptance of the Planner’s recom- approved unanimously.
mendation above.

E. PC41-2009: Ayers; Agreement to Terminate Sidewalk Privilege Agreement

Mr. Less reviewed an “Agreement to Terminate Sidewalk Privilege Agreement” regarding an area located on the west side of N. 18th Street, south of Michigan Avenue.

Mr. Less noted that this Agreement would terminate all rights and obligations of the “owners” under an original 1996 “Sidewalk Privilege Agreement”.

Mr. Less recommended that the Commission recommend to Council entering into the Agreement.

Mr. Less then noted that he was not sure why this Agreement was referred to the Plan Commission as it was originally authorized by the Board of Public Works. Mr. Less added that he would provide a note in his report to Council advising that these agreements in the future should be referred to the Board of Public Works instead of the Commission.

Mr. Brey commented that he would advise the Chair of the Streets Committee that these documents did not have to be referred to the Commission in the future.

Motion by: Mr. Hornung _____ Seconded by: Mr. Muenzenmeyer
Moved that: the Commission recommend _____ Upon Vote: the motion was Council acceptance of the Planner’s recom- approved unanimously.
mendation above.

VI. OLD BUSINESS

- A. PC49-2006: LVR Properties, LLC/Larry’s Hauling, Inc; Request for Extension of 2006 Conditional Use Permit (CUP) Under Section 15.35(3)26. for Operation of a Recycling Facility at 901 So. 17th Street

Mr. Less explained that this was the annual compliance review for the above referenced CUP. Mr. Less advised that he had solicited comments from various City and County departments and other parties on the current LVR operation, and reported that all replies were positive and that no problems have been noted.

Mr. Less did make reference to a letter that he received on August 11th from Russ Wetenkamp, which included a May 22nd letter from the DNR complimenting him on their operation as part of DNR’s annual materials recovery facility inspection. Mr. Less advised that he had forwarded to the Commission a copy of the DNR letter on August 11th.

Mr. Less recommended to the Commission that they recommend to Council that the CUP not be modified, amended or revoked.

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Motion by: Mr. Hornung _____ Seconded by: Ms. Stokes
Moved that: the Commission recommend _____ Upon Vote: the motion was
Council acceptance of the Planner's _____ approved unanimously.
recommendation above.

B. PC34-06: Bio Blend Fuels Inc./Boatworx Inc.; Conditional Use Permit (CUP) Under Section 15.35(3)15. for Production of Bio Diesel at 500 So. 16th Street - Annual Compliance Review

Mr. Less explained that this was a compliance review in accordance with Section "K" of a 2006 CUP issued to Tracy and Dan Kaderabek d/b/a Boatworx, Inc., a/k/a Bio Blend Fuels Inc. Mr. Less advised that the company was no longer operational at the CUP area covered under the 2006 permit, and had since located its business in the Manitowoc County Industrial Park on Basswood Road. Mr. Less continued that the CUP was structured so that it automatically terminated when the company's tenancy at the CUP area ended.

Mr. Less noted that pursuant to Section G. of the CUP, the CUP was automatically terminated, and there was no further action required on this matter. Mr. Less recommended that the Commission forward this recommendation to Council.

Motion by: Mr. Brey _____ Seconded by: Mr. Alpert
Moved that: the Commission recommend _____ Upon Vote: the motion was
Council acceptance of the Planner's _____ approved unanimously.
recommendation above.

C. PC52-2006: FY2007 Comprehensive Planning Grant - Multi-Jurisdictional Project with Manitowoc County:

1. Update - Manitowoc County Planning Advisory Committee (MCPAC)

Mr. Muenzenmeyer stated that a meeting was scheduled for August 25th at 7pm in the County Expo Drive building, to review the draft County comprehensive plan goals, objectives, future land use map, and a review of various chapters.

Ms. Mellon commented that she had attended the last MCPAC meeting, and noted that the resource document related to the County plan was available on the internet, and that a hard copy was available at the library.

No action was taken.

2. Vandewalle Update.

Mr. Braun explained that he was waiting for comments on the final draft of the City's comprehensive plan. Mr. Braun also noted that they were in possession of a draft copy of the Town of Newton comprehensive plan.

Mr. Less advised that he did read the Town of Newton plan, and noted that it made reference to encouraging more development along I-43. Mr. Less stated that he wanted to find out what the Town's policy was regarding regulating development along I-43. Mr. Less added that he did not see any conflicts with the Town's future land use map.

No action was taken.

VII. NEW BUSINESS

A. Review Planning Department Proposed 2010 Budget

Mr. Less reviewed the proposed 2010 budget for the Planning Department and Community Development Authority. Mr. Less explained that the proposed 2010 budget was a 5.11 per cent increase above the 2009 budget, and that over 57 per cent of that increase was in personnel services. Mr. Less added that the increase in non-personnel services was largely related to training, software and hardware to implement the City's GIS Needs Assessment plan.

Mr. Hornung questioned if a new GIS staff person was included in the 2010 budget?

Mr. Less stated "no", and that the focus in 2010 was on training, software and hardware.

Mr. Hornung questioned why a new GIS position was not proposed to be funded in the draft budget?

Mr. Less replied that his intention was to get the training, software and hardware needs addressed, and wanted to better sensitize everyone to GIS, and that the 2011 budget would contain funding for either a new position, or an upgrading of an existing job description to take on the expanded GIS responsibilities.

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Mr. Less added that he was planning on having the GIS report in front of the Commission at the September meeting, and would be asking the Commission to recommend that they advance the plan to Council for adoption.

Ms. Mellon asked if the training monies being requested would include training for some of the Engineering staff as well?

Mr. Less stated “yes”, and added that some of the licensing costs were also shared with the Engineering Department.

Motion by: Ms. Stokes _____ Seconded by: Ms. Mellon
Moved that: the Commission recommend _____ Upon Vote: the motion was that the proposed budget be forwarded to _____ approved. Mr. Brey abstained. the Mayor for inclusion in his Executive budget.

B. PC42-2009/PC62-2004: Hacker; Annexation Discussion at West Custer and Edgewood Lane

Mr. Braun explained the 2004-2005 annexation and detachment history of the area on the south side of West Custer Street at Edgewood Lane. Mr. Braun noted that he had received a telephone call from Craig Hacker, the owner of property at the southeast corner of West Custer and Edgewood Lane, who no longer resided in the area, but was interested in annexing into the City. Mr. Braun added that Mr. Hacker was aware of outstanding assessments against the property that would be payable at the time of annexation. Mr. Braun noted that he further encouraged Mr. Hacker to contact Mr. Wampler and Mr. Olson, the owners that comprised the 2005 detachment, prior to tonight’s meeting.

Mr. Less explained that part of the discussion back in 2005 with these property owners, was their commitment to re-annex into the City after the West Custer construction project was completed.

Mayor Nickels asked if Mr. Hacker had talked with Donald Olson, the owner of property on the southwest corner of West Custer and Edgewood Lane?

Craig Hacker, W5554 Mutzy Way, Appleton, stated that he hadn’t talked with Mr. Olson, but had talked with Mr. Wampler whose property was located to the east of his property. Mr. Hacker reported that Mr. Wampler spent \$10,000 for a new mound system when he purchased the property, and was not willing to annex his property into

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the City, as it would cost him \$20,000 or more to annex. Mr. Hacker noted that when he talked with Mr. Olson back in 2004, he had just spent \$5,000 on a new well. Mr. Hacker stated that at that time, the Olson's were in their 70's, and added that he did not have a chance to talk with them prior to tonight's meeting.

Mr. Braun commented that in his review of the historical record, there was an issue wherein the annexation was occurring at the same time Mr. Wampler was purchasing his home.

Mr. Hacker stated that this was correct, and that Mr. Wampler closed on his real estate sale on a Friday, and on the following Monday, received notice from the City that he had been annexed.

Commission members discussed whether or not they would look favorably upon the annexation of Mr. Hacker's property alone.

Mr. Less commented that in terms of this discussion, his preference would be to have both the Hacker and Olson properties included in the annexation, so that the full width of Edgewood Lane was in the City. Mr. Less added that bringing in only the Hacker property would make such issues as maintenance and snow plowing of Edgewood Lane more problematic. Mr. Less suggested that for the September meeting, that Mr. Hacker contact Mr. Olson to determine his level of participation in this matter.

Mr. Hornung stated that he did not see a downside to just annexing the Hacker property.

Mr. Hacker noted that his concern was to be able to sell the property, and for the benefit of Realtors trying to market the property, to know whether or not the property could be annexed, as it affected the value of the lot.

Mr. Less stated it was worth Mr. Hacker talking with Mr. Olson prior to the next meeting.

Mr. Braun added that there were outstanding assessments in the amount of approximately \$4,800 from MPU and another \$4,800 for storm sewer. Mr. Braun stated that Mr. Hacker ideally wanted to split his lot into 2 parcels.

No action was taken.

VIII. MISCELLANEOUS

A. Manitowoc County Activities:

1. None

B. Certified Survey Maps (CSM):

1. Prowls; Proposed CSM in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ Sec. 36, T.19N., R.23E., City of Manitowoc

_____ Mr. Braun explained a proposed CSM between So. 34th and So. 35th Street, north of Dewey. Mr. Braun stated that the owner wanted to split the vacant parcel to the north of the Prowls residence into 2 parcels, with the father retaining the western tract (.39-acres), and with the eastern tract (.39-acres) being transferred to his sons. Mr. Braun explained the zoning in the area, and noted that the common lot line between the proposed 2 tracts was also the zone line that had "R-4" zoning covering the western tract, and "I-1" zoning covering the eastern tract to be created. Mr. Braun continued that the sons wanted to build a work shop or garage on the eastern tract. Mr. Braun advised that technically, the eastern parcel was not landlocked as a quit claim deed for dedication of a portion of So. 34th Street was in place, as well as all necessary petitions. Mr. Braun added that ingress/egress to the eastern parcel would be across the westernmost tract via an easement provided by and between the father and sons. Mr. Braun recommended approval of the CSM.

Motion by: Ms. Stokes

Seconded by: Mr. Muenzenmeyer

Moved that: Commission approve the CSM as presented, subject to required easements, petitions, and other conditions as specified above.

Upon Vote: the motion was approved unanimously.

2. Behnke/Podrabsky; Proposed CSM in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 12, T.19N., R.23E., City of Manitowoc

Mr. Braun explained a proposed lot split for a parcel located between Herman and Paul Roads, and noted that the owner (Mr. Behnke) wanted to split the parcel into 2 tracts, and would purchase a 3' strip abutting the Paul Road R/W from Ms. Podrabsky to secure access to the Paul Road R/W. Mr. Braun advised that the 3' strip would be sold to Mr. Behnke, and would then be combined with the western lot to be created.

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Motion by: Mr. Hornung

Seconded by: Mr. Alpert

Moved that: Commission approve the CSM as presented, subject to required easements, petitions, and other conditions as specified above.

Upon Vote: the motion was approved unanimously.

3. Schisel; Proposed CSM in the NW¹/₄ and the SW¹/₄ of the SE 1/4 Sec. 15, T.19N., R.23E., Town of Manitowoc Rapids

Mr. Braun explained a proposed CSM located on the north side of Waldo Boulevard/CTH42, and east of I-43, and detailed the Official Map and CSM changes that had occurred in this area over the past 10 years. Mr. Braun identified the current ownerships and land dedication patterns in the area, and explained that Mr. Schisel wanted to create a 14.3-acre parcel out of a large parcel of property, which would be acquired by his son. Mr. Braun identified the County regulation that required a CSM be created for areas less than 15-acres in area. Mr. Braun stated that he didn't have a problem with the request, but that there were a few issues to be resolved.

Mr. Braun then identified a strip of land that was going to be deeded from Mr. Neuser to Mr. Schisel, and advised Mr. Schisel to complete that transaction first prior to inking the CSM, so that it could be integrated into the current CSM. Mr. Braun also noted that there was another CSM for the Neuser property further east that was approved by the Commission several years ago, but was never recorded, and that this area included a recently constructed storm water pond and vacant lands further east. Mr. Braun noted that the lost CSM would have to be recorded before the current proposed CSM was recorded. Mr. Braun then noted that the lost CSM would likely be brought back again for Commission review and approval as it was first approved nearly 24 months ago, and then recommended approval of the proposed CSM.

Mr. Hornung asked what was the intent of the Schisel property?

Mr. Braun replied that the long term land use plan for the area was residential.

Mr. Hornung asked if the City would receive the pond some time in the future, and asked if it would become an outlot?

Mr. Braun stated "no", as it was integrated into a larger CSM. Mr. Braun added that this area appeared to be coming together after all these years.

